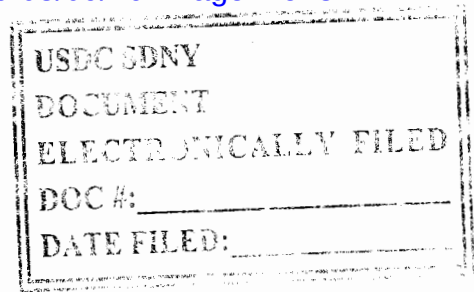


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



In re:

***Ford Fusion and C-Max Fuel Economy
Litigation,***

This Document Relates to All Action

Case No. 13-MD-2450 (KMK)

**CASE MANAGEMENT AND
SCHEDULING ORDER**

KENNETH M. KARAS, District Judge:

Following a conference held before the Court held on February 11, 2016, this Case Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. This case is to be tried to a jury.
2. No additional parties may be joined except with leave of the Court.
3. Amended pleadings may not be filed except with leave of the Court. To the extent Plaintiffs seek further amendment of the pleadings, Plaintiffs would be required to do so no later than 60 days after Ford files its Answer.
4. Initial disclosure pursuant to Rule 26(a)(1), Fed. R. Civ. P., will be completed no later than March 25, 2016.
5. Phase 1 *fact* discovery is to be completed no later than August 1, 2016, and the deadline for all *fact* discovery is March 16, 2017.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 6 above:
 - a. Initial requests for production of documents to be served by April 15, 2016.
 - b. Interrogatories to be served by April 15, 2016.
 - c. Depositions related to Phase 1 to be completed by August 1, 2016.
 - i. Unless the parties agree or the Court so orders, depositions are not

to be held until all parties have responded to initial requests for document production.

ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.

iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.

d. Requests to Admit to be served no later than July 1, 2016.

7. All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by the following deadlines:

a. For Plaintiffs' Disclosures Merits Expert(s), 30 days after Class Certification Order.

b. For Ford's Disclosure of Merits Expert(s), 60 days after Class Certification Order.

c. For Disclosures of Rebuttal Merits Expert(s), 75 days after Class Certification Order.

d. For Exchange of Merits Expert Reports, 90 days after Class Certification Order.

e. For Exchange of Rebuttal Merits Expert Reports, 120 days after Class Certification Order.

f. For Merits Expert Discovery Cut-Off, 150 days after Class Certification Order.

8. Motions: All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements. Summary Judgment or other dispositive motions are due at the close of discovery. Pursuant to the undersigned's Individual Practices, the parties shall request a pre-motion conference in writing at least four (4) weeks prior to this deadline.

a. Plaintiffs' Motion for Class Certification shall be filed no later than October 12, 2016.

b. Ford's Response shall be filed no later than December 14, 2016.

c. Plaintiffs' Reply shall be filed no later than February 16, 2017.


9.
 - a. Counsel for the parties have discussed holding a settlement conference before a Magistrate Judge.
 - b. The parties do not request a settlement conference before a United States Magistrate Judge.
10.
 - a. Counsel for the parties have discussed the use of the Court's Mediation Program.
 - b. The parties do not request that the case be referred to the Court's Mediation Program.
11.
 - a. Counsel for the parties have discussed the use of a privately-retained mediator.
 - b. The parties will consider use a privately-retained mediator at a later date. The last day for mediation is March 16, 2017.
12. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practices and Rule 26(a)(3), Fed.R.Civ.P. If this action is to be tried before a jury, proposed voir dire, jury instructions and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.
13. Remand of these multi-district proceedings is required before trial.

There will be no extensions of the discovery schedule without the permission of the Court, nor should counsel assume that any extensions will be granted. Counsel may seek permission for an extension of the discovery deadline of the magistrate judge to whom the case is referred, but only after consenting to allowing the magistrate judge handle the case for all purposes.

14. The next conference is scheduled for 10/13/16 at 11:30

SO ORDERED.

DATED: White Plains, New York
March 8, 2016


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE